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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DUSTIN MICHAEL BURT,)
)
Defendant.)
)
)

No. CR 11-0329 SBA

**STIPULATION AND ORDER TO
CONTINUE STATUS CONFERENCE
AND TO EXCLUDE TIME FROM
SEPTEMBER 15, 2011 TO
OCTOBER 17, 2011**

The parties agreed by stipulation, and the Court ordered, for a status conference to be held on September 27, 2011, in order to allow adequate time for the defense to investigate the charged offenses, collect criminal history records, and research a potential motion related to eye-witness identification. On September 14, the Court rescheduled the September 27 hearing to September 30, 2011. However, government counsel will be out of town on that date and unavailable to attend the hearing. In light of that and the defense's need for additional time to effectively prepare the case, with the agreement of counsel for both parties and the defendant, the parties now stipulate and ask the Court to find and hold as follows:

1. The status conference set for September 30, 2011 shall be rescheduled to October 17,

ORDER CONTINUING HR'G AND EXCLUDING TIME
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2011 at 10:00 a.m.

2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from September 15, 2011 to October 17, 2011. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the need for defense counsel to continue to conduct investigation and research in the case, and would deny the government continuity of counsel.

3. Given these circumstances, the Court finds that the ends of justice served by excluding the period from September 15, 2011 to October 17, 2011, outweigh the best interest of the public and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C. § 3161(h)(7)(A).

4. Accordingly, and with the consent of the defendant, the Court orders that the period from September 15, 2011 to October 17, 2011, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: September 15, 2011

/s/
ANGELA HANSEN
Counsel for Dustin Michael Burt

DATED: September 15, 2011

/s/
BRIAN C. LEWIS
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 9/15/11


SAUNDRA BROWN ARMSTRONG
United States District Judge